

Office of Rural Affairs

TxCDBG Implementation Training Workshop 2015

PRESENTERS:
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CREATED BY PAM WOZNAK



TxCDBG Organization

- **Assistant Commissioner – Dan Hunter**
- **Administrator – ORA Rick Rhodes**
- **State Director – Suzanne Barnard**
- **Assistant Director – Erica Garza**
- **Team Leads:**
 - ⊗ **Program Monitor – Del Serna**
 - ⊗ **Program Implementation – Trent Engledow**
 - ⊗ **Contract Specialist – Melissa Gonzales**
- **Environmental Regulations – David Brown**
- **Implementation Specialist – Vada Dillawn**

Today's Presentation & Format

- Provides an overview of the updated 2015 *TxCDBG Project Implementation Manual*
- Highlights changes and/or areas of interest within the TxCDBG program.
- Presenters will provide an overview of selected chapters. There is an opportunity to ask questions. However, if the topic is running over allotted time we ask that you submit questions on the cards provided. Answers will be provided via e-mail. **(Don't forget to include your e-mail address)**
- Unless you request otherwise, we will send answers to all questions via a blanket e-mail to all in attendance.

Grant Administration Certification

- To administer a TxCDBG contract, the administrator (city/county staff or contracted) MUST attend and retain the completion certificate from one of the TDA sponsored workshops, annually.
- An administrative consulting firm need NOT send its entire consulting staff to a workshop.
- A city or county choosing to self-administer must have at least one workshop attendee in its employ

Basics: Two Main Components

Federal (HUD)

- Entitlement Areas

State (TxCDBG)

- Cities less than 50,000
- Counties less than 200,000
- Nonentitlement

- Authorized under Title I of the Housing and Community Development Act of 1974, as amended.
- The U.S. Department of Housing and Urban Development (HUD) is the administering agency for the CDBG Program.

National Program Objectives

Grant Recipients undertaking public facilities activities must document how they have met the CDBG NPO specified in their application. The NPO is not met until funds have been expended and documentation has been completed.

Every grant or loan must meet one of three "national objectives."

- 1) Principally benefit low and moderate income (LMI) persons.
- 2) Eliminate or prevent slums and blight.
- 3) Address imminent health and safety problems.

Conflict of Interest

Applies to the procurement of professional services, supplies, equipment, construction, acquisition, businesses, or other private entities.

- No person who has any CDBG function/responsibility, or who is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the CDBG activity

Note: Regulations apply during the person's tenure and for one year thereafter.

Conflict of Interest cont'd

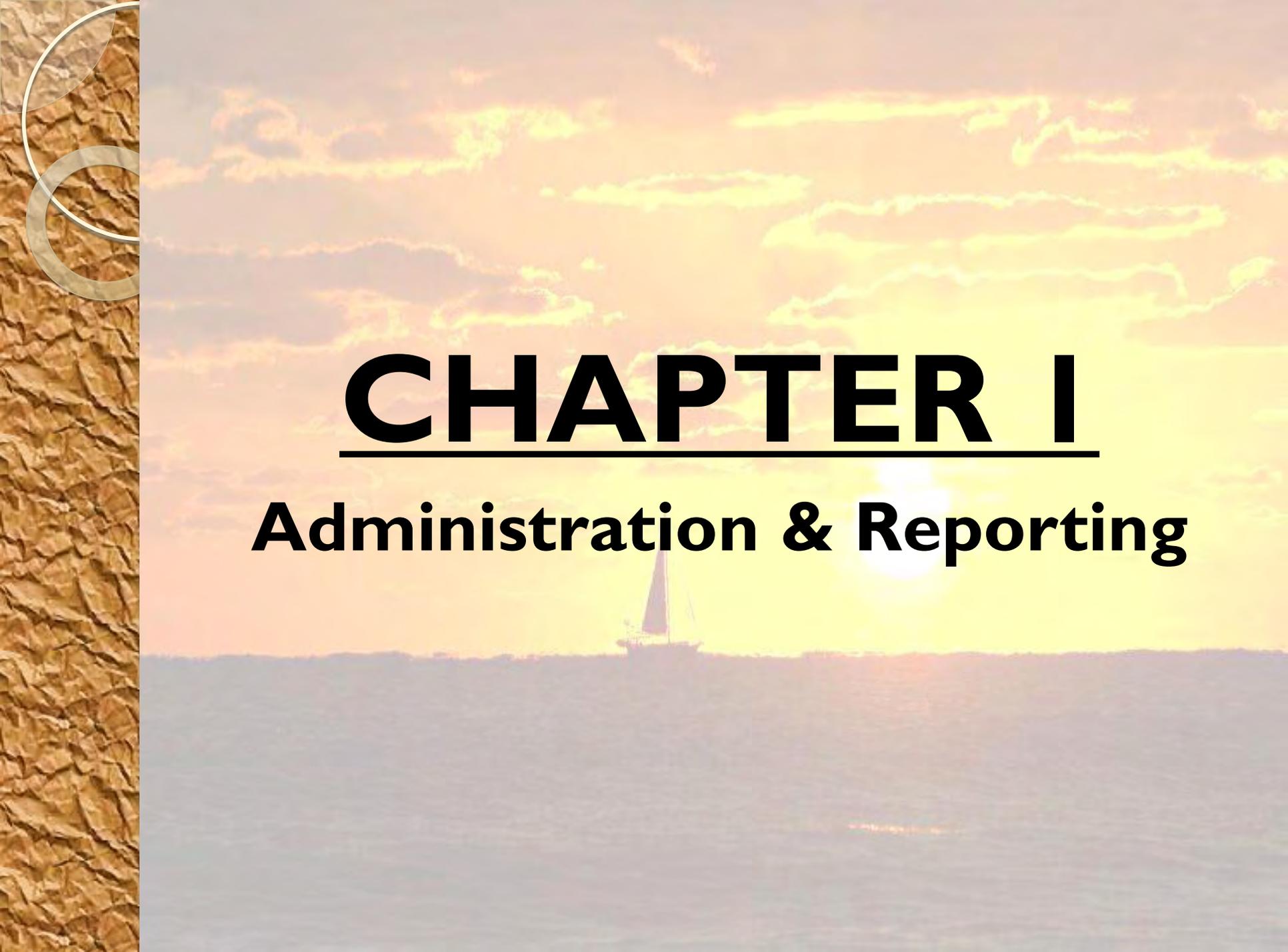
Some determinations of conflicts of interest:

- A conflict of interest exists when the same individual or firm is hired to provide both administration and engineering services
- A conflict of interest exists when the same individual or firm has an interest in both a benefitting business identified in the contract Performance Statement and any consultant or construction contracts required to complete the project.
- HUD has further issued an opinion that a conflict of interest prohibited by Federal Regulation exists for a Council of Government (COG) which is providing administrative support to the regional review committee and is also an application preparer/administrator.



CHAPTER I

Administration & Reporting



Incurring Costs

Pre-agreement Costs

- ✓ Prior to the contract start date of the TxCDBG grant award
- ✓ Necessary, eligible, and meet national objective
- ✓ Allowable only to the extent that they would have been allowable if incurred after the contract start date
- ✓ **TDA's discretion**
- ✓ Must meet Environmental & Special Conditions Requirements

Contract Execution

Steps in getting Contract Executed

1. TDA will email the contract to Grant Recipient
2. Recipient Reviews, Signs, and Returns 1 signed contract to TDA for execution
3. TDA will send a copy of the fully executed contract to the Grant Recipient.

90 Day Rule

Within ninety (90) days after the contract award date:

- **“Readiness to proceed” issues regarding the current award;**
and
- Outstanding issues on existing contracts regarding compliance with program requirements

Contract Execution – (Cont.)

In addition to the contractual obligations owed between the State and the Grant Recipient, the contract specifies the following as Exhibits:

- ✓ Exhibit A - the Performance Statement
- ✓ Exhibit B - the Budget
- ✓ Exhibit C – Project Implementation Schedule
- ✓ Exhibit D – Special Conditions

Establish a Local Administrative Structure

Administrative Activities Checklist - A102

ACTIVITY	Recipient	Consultant	Eng/Arch	Other
A. Initial Administrative Procedures				
Set up all files pertaining to TxCDBG contract activities.				
Solicit for professional services / administration services and maintain all necessary and relevant documentation.				
Prepare the professional services / administration services contracts for attorney review.				
Arrange and conduct the 4-Month Conference Call				
B. Environmental Review/Special Conditions Clearance Procedures				
Designate environmental review liaison and environmental certifying officer.				
Establish and maintain environmental review file.				
Prepare environmental assessment.				
Coordinate activities with federal or state agencies responsible for implementing applicable laws.				
Publish and disseminate public notice.				
Document consideration of any public comments.				
Issue environmental impact statement (if applicable).				
Request release of funds, send certification to TDA.				
Clear project of CDBG contract special conditions.				
C. Fair Housing/Equal Employment Opportunity				
Designate a Civil Rights Officer				
Implement and document current and required new activities to affirmatively further fair housing during the contract period.				

Local Management of TxCDBG Project

The local management of our projects is generally undertaken by 2 methods:

- Local governing body designates an existing agency or public employee as the project manager, or
- Local governing body contracts with a third party to manage the contract activities.

Note: TxCDBG recipients who obtain the services of an administrative consultant or a professional engineer have the final legal responsibility for the locally maintained grant files, the timely submission of reports, and compliance with program guidelines.

Administrative Thresholds

12-
Month
Rule

Release of Construction
Funds

12-
Month
Rule

Applicant Threshold

24-
Month
Rule

Applicant Threshold

12-Month & 24-Month Threshold Requirements

Applicable
To:

- Community Development
- Colonia Construction Fund
- Colonia Planning Fund
- Disaster Relief/Urgent Need Fund
- Texas STEP Fund
- Planning/Capacity Building Fund
- Community Enhancement Fund

Not
Applicable
To:

- Texas Capital Fund
- Colonia Self-Help Centers Fund
- Colonia Economically Distressed Areas Fund

Establish A Record Keeping System

- Grant files must be kept at city or county buildings where records are kept
- Records shall be retained for the greater of 3 years from closeout of the grant to the state

A103

FILING SYSTEM GUIDE

(NOTE: Grant files should be kept at city hall or county courthouse. List is not all inclusive.)

APPLICATION FILE

- Grant Recipient's Application
- Public Hearing Information
- Surveys and Tabulation/Other Beneficiary Data
- Responses to CDBG Requests for Additional Information

CONTRACT FILE

- TDA Contract Award Letter
- Executed Contract
- Amendment Requests/Resolution
- Executed Amendments
- Approved Performance Statement Modification Letters
- Approved Budget Modification Letters

FINANCIAL MANAGEMENT FILE

- Designated Depository/Authorized Signatory Form
- Audit Report demonstrating financial capacity
- Direct Deposit Authorization Form (if applicable)
- Copy of Transaction Register/Accounting Records for CDBG funds and Local Matching funds
- Documentation of Drawdown Transactions – Purchase Vouchers, Request Summaries, and all supporting documentation (i.e. invoices, personnel/equipment/material records, etc.).
- Source Documentation to support the receipt and disbursement of CDBG and local matching funds (i.e. cancelled checks, deposit slips, monthly bank statements, bank account reconciliation records, etc.).
- Register to document local commitment of funds
- Funding Awards other than TxCDBG

ENVIRONMENTAL REVIEW FILE

- Environmental Review Record/Assessment
- Public Notices/Publisher's Affidavit
- Coordination Letters to/from other Agencies
- Public Comments
- Request for Release of Funds/Certification Form
- TDA's Environmental Clearance Letter
- Documentation of Compliance with other applicable laws/authorities
- Flood Plain Maps/EO 11988 Compliance (if applicable)
- Texas Historical Commission Notification and Response Letters

PROCUREMENT OF PROFESSIONAL SERVICES / ADMINISTRATION SERVICES

- Rationale for the method of procurement
- Evidence of affirmative steps taken to assure participation by small/minority businesses
- Basis for the cost or price
- Requests for Proposal/Advertisements
- Requests for Proposal Package
- Written Selection Criteria
- Copies of all letters and advertisements requesting proposals/return receipts
- Proposals received
- Vendor approval through SAM
- Professional services / Administration Services contracts
- Minutes/Resolution awarding contracts

Quarterly Progress Reports

Quarter

- 1st
- 2nd
- 3rd
- 4th

Months Included

- Jan - Mar
- Apr - Jun
- Jun - Sep
- Oct - Dec

Due On

- Apr 20
- Jul 20
- Oct 20
- Jan 20

A TxCDBG contract will be considered “out of compliance” for late or incomplete Quarterly Progress Reports

Quarterly Progress Reports – (Cont.)



QUARTERLY PROGRESS REPORT - Form A104

Grant Recipient Name: Contract Number: Region:

Quarter Reporting: Year:

Project Status

Project Status Code:

Other:

STEP Fund: Is this contract a STEP project? Yes No

Revised Schedule: Is the project meeting the original Schedule C milestones? Yes No

Milestones	Actual Date Completed	Exhibit C Date	Mo. Diff from Exhibit C
Contract Start Date:	<input type="text"/>		
All Professional Services Contracts Awarded:	<input type="text"/>		
4-month Conference Call:	<input type="text"/>		
Plans and Specs Completed/Approved by Locality:	<input type="text"/>		
Environmental Review Submitted:	<input type="text"/>		
All pre-construction Special Conditions cleared:	<input type="text"/>		
Wage Rate 10-Day Confirmation:	<input type="text"/>		
Construction Contract Awarded:	<input type="text"/>		
50% of TxCDBG funds obligated:	<input type="text"/>		
Construction 50% Complete:	<input type="text"/>		
Construction 75% Complete:	<input type="text"/>		
Construction 90% Complete:	<input type="text"/>		
Construction & Final Inspection Completed:	<input type="text"/>		
Contract End Date:	<input type="text"/>		
Project Completion Report Submitted:	<input type="text"/>		

Note: dates displayed in the Exhibit C Date column are estimated based on the Contract Start Date entered. If these dates differ from the actual contract documents, the executed contract will contain the required date.

Notes / Comments on Current Status:

Check this box to request technical assistance or a conference call to further explain the progress of the project.

Project Schedule Status

This project is on **schedule** (within three months) based on the Original Exhibit C Implementation Schedule

This project is on **schedule** (within three months) based on a TxCDBG approved Revised Implementation Schedule

This project is 3 months or more **behind schedule**.

This project is "On Schedule". Thank you for achieving milestones according to your contract's Project Implementation Schedule, Exhibit C. No local signature is required to complete this report.

Grant Recipient Name: Contract No: Qtr: Year:

Part II - Projects "Behind Schedule"
Complete the following questions:

Project Delays: Select reasons (if any) the project has been delayed this quarter and explain below

<input type="text"/>	Date Anticipated to be Resolved	Add Reason
<input type="text"/>	<input type="text"/>	<input type="button" value="Add Reason"/>

Explanation:

List other specific obstacles preventing this project from meeting the milestone target dates:

List specific actions needed to complete the project within the contract period or revised Implementation Schedule (approved by TDA):

Provide estimated date (or month) that all construction under this contract will be complete:

Check this box to request technical assistance or a conference call to further explain the progress of the project.

Signature of Chief Local Elected Official

TxCDBG approval for proposed Revised Implementation Schedule: _____

Contracts Behind Schedule

Contracts that report on any Quarterly Report that the project is **more than three months behind** schedule must:

- Complete **Part II** of Quarterly Report;
- Submit, with the Quarterly Report, a **revised timeline** for completion;
- At the discretion of parties to the TxCDBG grant conduct a **conference call**.
- **Approval will be given by the TDA contract specialist on the quarterly report sent back to Grant Recipient.**

Contracts Behind Schedule – (Cont.)

Contracts that, at the time of the Quarterly Report, are **more than 3 months behind the revised schedule** approved by TDRA must:

- Submit a **narrative Plan of Action**
- Submit a **revised timeline** for completion.
 - Both the **Plan of Action** and **revised timeline** must each be signed by all members of the Project Team;
- At TDA's discretion schedule an **on-site technical assistance**;
- Conduct **monthly conference calls** to discuss the project milestones.

4-Month Conference Call

“Project Team”: include the chief local elected official (or authorized representative), project administrator, and project engineer and if procured, Administrative and engineering consultants

4-Month/Award Conference Call

1. May occur at Award Conference if all are appointed
2. Review TxCDBG contract Performance Statement (Exhibit A), Budget (Exhibit B), Project Implementation Schedule (Exhibit C) milestone dates; and Special Conditions (Exhibit D)
3. Review 12 Month Rule requirements
4. Identify the need for Acquisition of Real Property and review URA requirements (The **Uniform Relocation Assistance and Real Property Acquisition Policies Act** of 1970 (**Uniform Act**); and
5. Identify and report potential project issues or delays.



Questions

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